

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

MALIK PITTS

Plaintiff

v.

CIVIL ACTION NO.

CHIPOTLE MEXICAN GRILL (2401 W.  
Cheltenham Avenue, Suite 220, Wyncote, PA  
19095) and CHIPOTLE MEXICAN GRILL  
(850 New Burton Road, Suite 201, Dover, DE  
19904)

Defendants

**FILED**

**MAR 13 2020**

KATE BARRIMAN, Clerk  
By  Dep. Clerk

20

1426

**NOTICE OF REMOVAL OF DEFENDANT, CHIPOTLE MEXICAN GRILL (850  
NEW BURTON ROAD, SUITE 201, DOVER, DE 19904)**

Please take notice that Defendant, Chipotle Mexican Grill (850 New Burton Road, Suite 201, Dover, DE 19904) (properly known as Chipotle Mexican Grill, Inc.) by its attorneys, BONNER KIERNAN TREBACH & CROCIATA LLP and pursuant to 28 U.S.C. §§1441 and 1332, hereby removes to this Honorable Court an action pending in the Court of Common Pleas of Philadelphia County, Pennsylvania. Grounds for this Removal are set forth below:

1. On or about February 21, 2020, Plaintiff, Malik Pitts, commenced this civil action by the filing of a Civil Action Complaint in the Court of Common Pleas of Philadelphia County captioned *Malik Pitts v. Chipotle Mexican Grill (2401 W. Cheltenham Avenue, Suite 220, Wyncote, PA 19095) and Chipotle Mexican Grill (850 New Burton Road, Suite 201, Dover, DE 19904)* at February Term, 2020, No. 02528. In accordance with 28 U.S.C. §1446(a), a true and correct copy of the Complaint is attached hereto and incorporated herein as Exhibit "A."

2. Plaintiff, Malik Pitts, avers in his Complaint that he is a resident of the Commonwealth of Pennsylvania with a principal residence at 261 E. Fairston Drive, Philadelphia, PA 19120. See Exhibit "A" at paragraph 1.

3. In his Complaint, Plaintiff names Chipotle Mexican Grill (2401 W. Cheltenham Avenue, Suite 220, Wyncote, PA 19095) and Chipotle Mexican Grill (850 New Burton Road, Suite 201, Dover, DE 19904) as defendants.

4. Chipotle Mexican Grill, Inc. is a Delaware corporation with its principal place of business located at 610 Newport Center Drive, Suite 1300, Newport Beach, CA 92660.

5. Plaintiff's Complaint identifies "Chipotle Mexican Grill" as a Delaware Corporation with a "franchise" located at 2401 West Cheltenham Avenue in Wyncote, PA). However, this allegation is incorrect and Chipotle Mexican Grill, Inc. has no franchises owned by other entities.

6. Chipotle Mexican Grill, Inc. is the sole owner of each individual restaurant which it operates.

7. Thus, there is only one proper defendant, that is, Chipotle Mexican Grill, Inc., a Delaware Corporation with its principal place of business in California.

8. This is a civil action over which this Honorable Court has original jurisdiction under 28 U.S.C. §1332 and which may be removed on the Petition of the Defendant to this District Court pursuant to 28 U.S.C. §§1441 and 1446.

9. Upon information and belief, the amount in controversy in this action exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

10. Plaintiff alleges that he suffered "severe and disabling injuries" which included "food poisoning, abdominal pain, diarrhea, vomiting, nausea, epidurals for his back pain and seizures." See Exhibit "A" at paragraph 15.

11. Plaintiff further alleges that he "will be prevented and precluded from attending to his normal duties, occupations, and avocations" and that he has suffered and will

continue to suffer “pain, medical anguish, humiliation, loss of sense of worth and ‘well-being.’” See Exhibit “A” at paragraph 16.

12. Finally, Plaintiff maintains that he will be required to “incur expenses for medications, hospital, surgical and medical care and/or rehabilitative care” as a result of his injuries.

13. Pursuant to his evaluation of his claim, Plaintiff has presented a settlement demand in this matter of \$150,000.00.

14. Pursuant to 28 U.S.C. §§ 1332(a), and 1441(a), this Court possesses original jurisdiction of this action because the amount in controversy exceeds \$75,000 and because this action is between citizens of different states. That is, Plaintiff is diverse from the Defendant. Moreover, the Defendant is not a citizen of the Commonwealth of Pennsylvania, where the original action was filed. Further, the Eastern District of Pennsylvania embraces Philadelphia County, where the current action is pending in the Court of Common Pleas of Philadelphia County in the Commonwealth of Pennsylvania.

15. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it was filed less than thirty days from the service of the Complaint, the date upon which it first was ascertainable that the case is one which is removable because the Complaint is the first statement describing Plaintiff’s alleged injuries and damages. No previous Notice of Removal has been filed or made to this Court for the relief sought herein.


16. Accordingly, this lawsuit is properly removable from Pennsylvania State Court to the United States District Court, Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1332(a)(1), 1441(a) and 1446(b).

17. Defendant expressly reserves the right to raise all defenses and objections in this action after it is removed to this Honorable Court.

CERTIFICATE OF SERVICE

I, Mark A. Lockett, Esquire, hereby certify that a copy of Defendant's Notice of Removal was served via U.S. First Class Mail, postage prepaid, this 13<sup>th</sup> day of March, 2020 upon the following:

Jay M Leffler, Esquire  
ZARWIN, BAUM, DEVITO, KAPLAN,  
SCHAER & TODDY, P.C.  
One Commerce Square  
2005 Market Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19103  
Counsel for Plaintiff

**FILED**  
MAR 13 2020  
KATE BARKMAN, Clerk  
By  Dep. Clerk

BONNER KIERMAN TREBACH & CROCIATA, LLP

BY: 

MARK A. LOCKETT, ESQUIRE  
Attorney ID No. 50023  
Ten Penn Center Plaza, Suite 770  
1801 Market Street  
Philadelphia, PA 19103  
Tel.: (215)569-4433  
Fax: (215)569-4434  
Attorney for Defendant,  
Chipotle Mexican Grill (850 New Burton Road,  
Suite 201, Dover, DE 19904) (properly known as  
Chipotle Mexican Grill, Inc.)

**Exhibit "A"**

**ZARWIN, BAUM, DeVITO,  
KAPLAN, SCHAER & TODDY, P.C.**

By: Jay M. Leffler, Esquire  
[jmleffler@zarwin.com](mailto:jmleffler@zarwin.com)

Identification No: 54282

One Commerce Square  
2005 Market Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19103  
Phone: (215) 569-2800  
Phone: (215) 569-1606

MALIK PITTS  
261 E. Fariston Drive  
Philadelphia, PA 19120

Plaintiff

v.

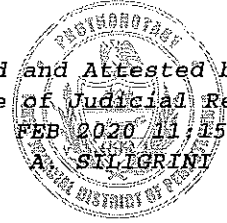
CHIPOTLE MEXICAN GRILL  
2401 W. Cheltenham Avenue, Suite 220  
Wyncote, PA 19095

and

CHIPOTLE MEXICAN GRILL  
850 New Burton Road, Suite 201  
Dover, DE 19904

Defendants

Filed and Attested by the  
Office of Judicial Records  
21 FEB 2020 11:15 am



Attorney for Plaintiffs

**IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY**

**FEBRUARY TERM 2020**

**NO.**

**MAJOR JURY TRIAL DEMANDED**

**NOTICE TO DEFEND**

**NOTICE**

"YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim, or relief requested by the plaintiff. You may lose money or property or other rights important to you.

"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out whose you can get legal help. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

LAWYER REFERRAL and INFORMATION SERVICE  
Philadelphia Bar Association  
1101 Market Street, 11<sup>th</sup> Floor  
Philadelphia, PA 19107  
(215)238-6333

**AVISO**

"LE HAN DEMANDADO A USTED EN LA CORTE. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio, vaya en persona o llame por teléfono a la oficina cuya dirección se encuentran escrita abajo para averiguar donde se puede conseguir asistencia legal. Si usted no tiene suficiente dinero para pagar un abogado la oficina escrita abajo le podrán dar información de agencias que podrán ofrecer servicios legales a precios reducidos o gratis

ASOCIACIÓN DE LICENCIADOS DE FILADELPHIA SERVICIO  
DE REFERENCIA E INFORMACIÓN LEGAL  
Philadelphia Bar Association  
1101 Market Street, 11<sup>th</sup> Floor  
Philadelphia, PA 19107  
(215)238-6333

**ZARWIN, BAUM, DeVITO,  
KAPLAN, SCHAEER & TODDY, P.C.**

By: Jay M. Leffler, Esquire

[jmleffler@zarwin.com](mailto:jmleffler@zarwin.com)

Identification No: 54282

One Commerce Square  
2005 Market Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19103  
Phone: (215) 569-2800  
Phone: (215) 569-1606

Attorney for Plaintiffs

MALIK PITTS  
261 E. Fairston Drive  
Philadelphia, PA 19120

Plaintiff

v.

CHIPOTLE MEXICAN GRILL  
2401 W. Cheltenham Avenue, Suite 220  
Wyncote, PA 19095

and

CHIPOTLE MEXICAN GRILL  
850 New Burton Road, Suite 201  
Dover, DE 19904

Defendants

**IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY**

**FEBRUARY TERM 2020**

**NO.**

**MAJOR JURY TRIAL DEMANDED**

**CIVIL ACTION-COMPLAINT**  
**(Other Personal Injury #20)**

1. Plaintiff, Malik Pitts, is an adult individual residing at 261 E. Fairston Drive, Philadelphia, PA 19120.
2. Defendant, Chipotle Mexican Grill, is a franchise doing business at 2401 W. Cheltenham Avenue, Suite 220, Wyncote, PA 19095.
3. Defendant, Chipotle Mexican Grill, is a corporation organized and existing under the laws of the State of Delaware with its registered agent at 850 New Burton Road, Suite 201, Dover, DE 19904 and registered to do business in the Commonwealth of Pennsylvania with a franchise located at 2401 W. Cheltenham Avenue, Suite 220, Wyncote, PA 19095.

4. At all times material hereto, Defendants prepared and sold food to customers at the Chipotle located 2401 W. Cheltenham Avenue, Suite 220, Wyncote, PA 19095.

5. Upon information and belief, Defendants regularly and systematically transacts business in Philadelphia County so as to be subject to venue and in personem jurisdiction in Philadelphia.

6. On or about December 20, 2018 between approximately 4:00 p.m. to 5:00 p.m., Plaintiff, Malik Pitts arrived at the Chipotle located at 2401 W. Cheltenham Avenue, Suite 220, Wyncote, PA 19095 and purchased a chicken burrito.

7. Shortly thereafter, Plaintiff Malik Pitts consumed the chicken burrito within a short time period.

8. At all times material hereto, Defendants prepared, sold and delivered the aforesaid food consumed by Plaintiff.

9. Within a short period of time after consuming the aforesaid food, Plaintiff, Malik Pitts, became seriously ill with feelings of nausea, dizziness, and stomach pains, and went to the hospital, requiring a ten (10) day hospitalization and subsequent medical treatment.

10. Defendants knew or should have known that on December 20, 2018, defective, dangerous and hazardous food was sold at its store.

11. As a direct result of eating said defective, dangerous and hazardous food sold by Defendants, Plaintiff Malik Pitts sustained serious and permanent injuries hereinafter described.

12. The incident resulted solely from the negligence and/or carelessness of Defendants and was due in no part whatsoever to any act or failure to act on the part of the Plaintiff.

**COUNT I**

**PLAINTIFF, MALIK PITTS v. DEFENDANTS,  
CHIPOTLE MEXICAN GRILL & CHIPOTLE MEXICAN GRILL**

13. Paragraphs one (1) through twelve (12) are incorporated herein by reference as if each were set forth with particularity.

14. Plaintiff, Malik Pitts' injuries were directly and proximately caused by the negligence and/or carelessness of Defendants and/or its agents, servants, workmen, and/or employees in:

- (a) Failing to properly prepare food and to use quality ingredients to ensure their purity and safety;
- (b) Failing to properly inspect and maintain the food in order to ensure their purity and quality;
- (c) Failing to properly store food at appropriate temperatures;
- (d) Serving spoiled food to patrons from its restaurant, including Plaintiff, Malik Pitts, despite knowing or having reason to know that the food was spoiled;
- (e) Failing to warn patrons of its restaurant that the food had spoiled and could cause serious physical illness despite knowing or having reason to know that the food had spoiled; and
- (f) Such other negligence and/or carelessness as may be revealed during Discovery.

15. As a result of the carelessness and negligence of Defendants, Plaintiff, Malik Pitts, sustained and suffered severe and disabling injuries, including without limitation of the foregoing: food poisoning, abdominal pain, diarrhea, vomiting, nausea, epidurals for his back pain, and seizures, the full extent of which are not yet known, and some or all of which are permanent in nature.

16. As a result of the carelessness and negligence of the Defendants, Plaintiff, Malik Pitts, has in the past been prevented and in the future will be prevented and precluded from attending to his normal duties, occupations and avocations; in addition he has suffered and will in the

future continue to suffer pain, mental anguish, humiliation, loss of sense of worth and “well-being”, inability to engage in his normal activities and inability to pursue the normal and ordinary pleasures of life.

17. As a result of the carelessness and negligence of Defendants, Plaintiff, Malik Pitts, in the past required and will continue to incur expenses for medications, hospital, surgical, and medical care and/or rehabilitative care to attend to, treat, alleviate, minimize and/or cure his conditions and Plaintiff, Malik Pitts, may sustain a loss of earning capacity.

**WHEREFORE**, Plaintiff, Malik Pitts, demands judgment in his favor and against Defendants in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

ZARWIN, BAUM, DeVITO,  
KAPLAN, SCHAEER & TODDY, P.C.

By: 

JAY M. LEFFLER, ESQUIRE  
ATTORNEY FOR PLAINTIFF

Date: February 21, 2020

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

MALIK PITTS

**DEFENDANTS**

CHIPOTLE MEXICAN GRILL (2401 W. Cheltenham Avenue, Suite 220, Wyncote, PA 19095) and CHIPOTLE MEXICAN GRILL (850 New Burton Road, Suite 201, Dover, DE 19904)

(b) County of Residence of First Listed Plaintiff Phila. County, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Orange County, CA  
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number) 215-569-2800  
Jay Leffler, Esquire  
Zarwin, Baum, DeVito, Kaplan, Schaer & Toddy, P.C.  
2005 Market Street, 16th Floor, Philadelphia, PA 19103

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) 215-569-4433  
Mark A. Lockett, Esquire  
Banner Kiernan Trebach & Crociata LLP  
1801 Market Street, Suite 770, Philadelphia, PA 19103

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 ☐ 1 U.S. Government Plaintiff
- 2 ☐ 2 U.S. Government Defendant
- 3 ☐ 3 Federal Question (U.S. Government Not a Party)
- 4 ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF | DEF |   | PTF | DEF |
|---|-----|-----|---|-----|-----|
| Citizen of This State                   | XX  | 1   | Incorporated or Principal Place of Business in This State     | 4   | 4   |
| Citizen of Another State                | 2   | 2   | Incorporated and Principal Place of Business in Another State | 5   | XX  |
| Citizen or Subject of a Foreign Country | 3   | 3   | Foreign Nation  | 6   | 6   |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 ☐ 1 Original Proceeding
- 2 ☒ 2 Removed from State Court
- 3 ☐ 3 Remanded from Appellate Court
- 4 ☐ 4 Reinstated or Reopened
- 5 ☐ 5 Transferred from Another District (specify)
- 6 ☐ 6 Multidistrict Litigation - Transfer
- 8 ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332

Brief description of cause:

Personal Injury - Alleged food poisoning**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

\$150,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND:

XX Yes 'No

**VIII. RELATED CASE(S)**

IF ANY None

(See instructions):

JUDGE

DOCKET NUMBER

MAR 13 2020

DATE

SIGNATURE OF ATTORNEY OF RECORD

3-13-20

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

20

1426

## DESIGNATION FORM

(to be used by counsel of record or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 261 E. Fairston Drive, Philadelphia, PA 19120

Address of Defendant: 610 Newport Center Drive, Suite 1300, Newport Beach, CA 92660

Place of Accident, Incident or Transaction: 2401 W. Cheltenham Avenue, suite 220, Wyncote, PA 19095

## RELATED CASE, IF ANY:

Case Number: Judge: Date Terminated:

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 3-13-20

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

## CIVIL: (Place a ✓ in one category only)

## A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases  
(Please specify):

## B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☒ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☒ 6. Other Personal Injury (Please specify): alleged food poisoning
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases  
(Please specify):

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☐ Relief other than monetary damages is sought.

MAR 13 2020

DATE: \_\_\_\_\_ Attorney-at-Law / Pro Se Plaintiff \_\_\_\_\_ Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

HB

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

MALIK PITTS

Plaintiff

v.

CIVIL ACTION NO.

CHIPOTLE MEXICAN GRILL (2401 W. Cheltenham  
Avenue, Suite 220, Wyncote, PA 19095) and  
CHIPOTLE MEXICAN GRILL (850 New Burton  
Road, Suite 201, Dover, DE 19904)

Defendants

**20 1426**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. **(XX)**
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

**3-13-20****Date**

215-569-4433

**Telephone**

Mark A. Lockett, Esq.

**Attorney at Law**

215-569-4434

**Fax Number**

Defendants

**Attorney for:**

mlockett@bonnerkiernan.com

**E-Mail Address****MAR 13 2020**

18. A true and correct copy of this Notice of Removal is being filed with the Prothonotary of Philadelphia County Court of Common Pleas, as provided by 28 U.S.C. § 1446(d).

19. Written Notice of the filing of this Notice of Removal will be given to all served parties as required by 28 U.S.C. § 1446(d).

20. No admission of fact, law or liability is intended by this Notice of Removal, and all defenses, affirmative defenses and motions are hereby reserved to the Defendant.

WHEREFORE, Defendant, Chipotle Mexican Grill (850 New Burton Road, Suite 201, Dover, DE 19904) (properly known as Chipotle Mexican Grill, Inc.), hereby remove the above-captioned action, which is now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

BONNER KIERNAN TREBACH & CROCIATA LLP

By: 

MARK A. LOCKETT, ESQUIRE

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Attorney for Defendant,

Chipotle Mexican Grill (850 New Burton Road, Suite 201, Dover, DE 19904)

(properly known as Chipotle Mexican Grill, Inc.)

Dated: 3-13-20